

Rio Grande Natural Area Management Plan



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Rio Grande Natural Area Commission

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List of Abbreviations

Bureau of Land Management (BLM)
Habitat Conservation Plan (HCP)
Potential Conservation Area (PCA)
Rio Grande Natural Area (RGNA)
Rio Grande Water Conservation District (RGWCD)
San Luis Valley (SLV)
U.S. Fish and Wildlife Service (FWS)

1.0 Introduction

The Rio Grande Natural Area (RGNA) is located in the Southwestern portion of the San Luis Valley (SLV) in southern Colorado and was established in 2006 by the U.S. Congress through Public Law 109-337, the Rio Grande Natural Area Act (Act) (see Appendix 1). The RGNA includes the Rio Grande River from the southern boundary of the Alamosa National Wildlife Refuge to the New Mexico State border, extending $\frac{1}{4}$ mile on either side of the bank of the river. The RGNA encompasses approximately 8,800 acres, of which 5,900 acres (67%) is private land and 2,900 acres (34%) is federal lands managed by the Bureau of Land Management (BLM). The RGNA includes a 33-mile stretch of the Rio Grande River, which is also the boundary line between Conejos County to the west and Costilla County to the east. On the Costilla County side, the land is mostly privately owned except for a parcel of county owned land near State Highway 142, whereas the Conejos County side is split approximately 75/25 between BLM and private ownership.

1.1 History/ Background

1.1.1 Wild and Scenic

The controversial history of the RGNA starts in late 1980s when it becomes clear to those involved with natural resource management in the San Luis Valley that the BLM and other federal agencies (National Park Service, U.S. Fish and Wildlife Service and U.S. Forest Service) were beginning to identify areas suitable for designation under the National Wild and Scenic River System. Passed into law by Congress in 1968 (Public Law 90-542), the purpose of the National Wild and Scenic River System is “to preserve certain rivers with outstanding natural, cultural, and recreational values in a free-flowing condition for the enjoyment of present and future generations (National Wild and Scenic River Systems 2014). While many of the interest groups within the SLV agreed with the concept of preserving the area’s scientific, scenic, educational, and environmental values, they were concerned about preserving water rights from federal intrusion. Closer examination of the National Wild and Scenic River System Act found that “the act also reserved to the United States the amount of un-appropriated water flowing through the public lands necessary to preserve and protect in free-flowing condition the specific values which were responsible for designation of the watercourse” (blm.gov).

By early 1990, after learning that the BLM had determined that 41 miles of the Rio Grande River were eligible for consideration as a potential addition to the National Wild and Scenic River system, the Advisory Council for the Canon City District of the BLM passed two resolutions relating to Wild and Scenic River designations. The first resolution clearly stated, “the BLM should not recommend any of the river corridor for potential wild and scenic status in the Resource Management Plan.” The second stated “if there were to be a BLM wild and scenic river recommendation in the RMP that no Federal water reserve be made and only Rio Grande River Interstate Compact water deliveries be involved” (USDI 1991).

By the time the San Luis Resource Area: Proposed Resource Management Plan and Final Environmental Impact Statement is put together and released in September of 1991, the BLM Rio Grande River Wild and Scenic study team has taken the concerns into consideration and reduced the number of miles being considered for designation from 41 down to 22, for a total of 2,640 acres (USDI 1991). Furthermore, the final Plan “endorses some form of “enduring protection” designation for this river corridor; national conservation area, wild and scenic river status, or some other Congressional designation” (USDI 1991).

From 1991 until 2000, work regarding a potential RGNA is done primarily behind the scenes, with different agencies and organizations meeting to discuss issues. By January of 2000, the Rio Grande Corridor Final Plan is completed and once again, stakeholders within the SLV get concerned regarding possible scenic and wild designation and how this might affect water rights throughout the valley. As stated in the 2000 plan, “until Congress designates these river stretches, the BLM is managing this segment under interim management restrictions to protect their wild and scenic values” (USDI 2000). Deciding to be proactive, local stakeholders put together a local grassroots organization, the Rio Grande Corridor, and start the process to get legislation written to establish the Rio Grande Outstanding Natural Area. Throughout 2001, representatives from state and local governments as well as regional organizations write numerous letters in support of forming the RGNA. Finally, in 2006, Congress signs into law the Rio Grande Natural Area Act.

The Rio Grande Natural Area Act was the culmination of over 20 years of local conservation efforts to protect a variety of natural resources while taking into account local priorities for water and land management. Moving forward, a critical element of this conservation work is the cooperative relationship between citizens, and state and federal resource managers to create a landscape managed with the same principles outlined in other management and strategic plans.

1.1.2 Boundary Dispute

Within the Sangre de Cristo Land Grant, including the area that is now part of the RGNA, there has been a long history of dispute regarding the legal boundary between BLM and private land. Although this does not directly relate to the Act, information is included here to provide additional history and clarification. According to the Sangre de Cristo National Heritage Area, “the Sangre de Cristo Land Grant was conferred by Mexico to Beaubien and Lee in 1844 and was later patented by the U.S. Government in 1880 for just under one million acres” (Sangre de Cristo 2015). The Land Grant was surveyed in 1875 and then resurveyed in 1877. In 1881, the Department issued a patent for the Sangre de Cristo Land Grant with the boundary being the high water mark on the east side of the river. Due to numerous questions and lawsuits, in 1984, the BLM completed an independent re-survey to confirm the boundary and soon afterwards, issued a letter to all landowners indicating that the BLM boundary was the high water mark on the east side.

This pertains to the RGNA only in that the boundary of the RGNA is described in the Act and the Secretary, through the BLM, is required to prepare a map and legal description of the RGNA and make it available for the public. The public land/private land boundary within the RGNA is unusual in that land boundaries along rivers generally use the middle of the river as a boundary. However, based on the language of the Sangre de Cristo Land Grant that designated the east side of the RGNA as private, the BLM has interpreted the public land/private land boundary to be the high water mark on the east side of the river. Most of the private land deeds along the east side of the river describe the private lots as extending to the middle of the river.

1.2 Regulatory Framework

1.2.1 Rio Grande Natural Area Act

The Rio Grande Natural Area Act (see Appendix A) provides the overall direction for the development and management of the RGNA. The purpose of the RGNA as stated by the Act is to “conserve, restore and protect the natural, historic, cultural, scientific, scenic, wildlife and recreational resources of the Natural Area”. In addition to the purpose, the Act also outlines and describes the following requirements:

- Map and Legal Description - to be completed by the Secretary of the Interior (Secretary) and be available to the public
- Establishment of a nine-member Commission – to advise the Secretary with respect to the Natural Area.
- Cooperative Agreements – to be used to complete the management plan and other related activities.
- Management Plan – to be completed by the Secretary for Federal land and by the Commission for non-Federal lands.
- Administration of Natural Area – to be administered by the Secretary for Federal land in a manner that provides for the stated purpose and by private land owners who agree in writing to be bound by the management plan.

1.2.2 Rio Grande Natural Area Commission

As required by the Act, the Commission was established to advise the Secretary of the Interior with respect to the Natural Area and to prepare a management plan related to non-Federal land within the RGNA’s boundaries. The Act states that the Commission shall be composed of nine members appointed by the Secretary, that fall under the following categories:

- Representative of the Colorado State Director of the BLM
- Manager of the Alamosa National Wildlife Refuge – U.S. Fish and Wildlife
- Representative of the Colorado Division of Wildlife (now Colorado Parks and Wildlife) – recommended by the Governor of Colorado
- Representative of the Colorado Division of Water Resources – recommended by the Governor of Colorado

- Representative of the Rio Grande Water Conservation District – recommended by the Governor of Colorado
- 4 members that: (1) represent the general public; (2) are citizens of the local region, and (3) have knowledge and experience in the fields of interest relating to the preservation, restoration, and use of the Natural Area.

Nominees are evaluated by the BLM on their education, training, experience, and knowledge of the RGNA's geographical area and their ability to demonstrate a commitment to collaborative resource decision-making. The Commission was comprised of the following individuals representing the positions described above when the RGNA Management Plan was drafted:

- Tom Heinlein – BLM
- Michael Blenden – Alamosa National Wildlife Refuge Manager
- Rick Basagoitia – Colorado Parks and Wildlife
- Craig Cotton – Colorado Division of Water Resources
- Steve Vandiver – Rio Grande Water Conservation District
- Harold Anderson – private citizen
- Rio de la Vista – private citizen
- Michael Willett – private citizen
- Mike Gibson – private citizen

All Commission members have a 5-year term, except for the Alamosa National Wildlife Refuge Manager and are eligible for reappointment. Members are to serve without compensation and are responsible for meeting at least quarterly. The Commission is allowed to enter into cooperative agreements in order to carry out the Act, but is prohibited from acquiring any real property or interest in real property. In terms of this Management Plan, the Commission is tasked with helping achieve the overall purpose of the ACT, including:

- Assisting the State of Colorado in preserving State land and wildlife within the Natural Area.
- Assist the State of Colorado and political subdivisions of the State in increasing public awareness of, and appreciation for, the natural, historic, scientific, scenic, wildlife, and recreational resources in the Natural Area.
- Encourage political subdivisions of the State of Colorado to adopt and implement land use policies that are consistent with (1) the management of the Natural Area, (2) the management plan, and (3) encourage and assist private landowners in the Natural Area in the implementation of the management plan.

1.3 Scope of Work

This Management Plan is written to meet the requirement of Section 4 (b)(2) of the Act that states that a management plan be developed by the Commission, in coordination with appropriate agencies, political subdivisions and private landowners within the Natural Area, to address the non-Federal land within the RGNA. This plan is intended to be an informative document that provides current information regarding conditions on the

ground that can be utilized to guide future RGNA land management objectives in addition to providing input to the BLM for its corresponding RGNA Management Plan.

This plan is written to cover the 5,900 acres of private land that falls within the designated boundary of the Natural Area. This plan does not include the 2,900 acres of BLM land, but is written to be consistent with existing BLM plans to protect the diverse and vital environment. The RGNA Management Plan is considered an amendment of the BLM San Luis Management Plan.

Section 6(c) requires that the plan take into consideration the Federal, State, and local plans in existence on the date of the enactment of the Act (October 12, 2006) and include an inventory of resources contained in the RGNA including a list of property that should be preserved, restored, managed, developed, maintained, or acquired to further the purposes of the RGNA and a recommendation of policies (referred to as Policies for Resource Management) for resource managers that protect the resources of the RGNA and provide for solitude, quiet use, and pristine natural values of the RGNA. Additionally, the plan should be written for continued use of the Natural Area for the purposes of education, scientific study, and limited public recreation.

For the purposes of this management plan, the RGNA resources inventory was derived from a number of existing reports, studies and other documents discussing the resources of this area and /or related nearby areas. A detailed reference list is provided at the end of this document in addition to studies and links referenced within the report. Recommendations in this plan are based on the input of Commission members and the public, and are founded on a collaborative decision-making process with private landowners and local, state and federal governments.

It is important to note that this management plan shall apply to private land in the RGNA only to the extent that any private landowners agrees in writing to be bound by the management plan as specified in Section 8 of the Act. A private landowner may choose to voluntarily implement the recommendations in order to achieve the purposes of the Act.

2.0 Institutional Responsibilities and Obligations

Although the Rio Grande Natural Area Act was signed into law in the fairly recent past, the Rio Grande River, a key component of the RGNA, has a long jurisdictional history including the Mexican Water Treaty of 1906, the Rio Grande Compact, and the Closed Basin Project.

2.1 Mexican Water Treaty of 1906

During the 1800s and early 1900s, the upper part of the Rio Grande River was being heavily utilized for agriculture within the SLV, and water was being diverted from the Rio Grande River. For many years prior to 1906, the Rio Grande River was not flowing when it reached Mexico. Thus, the Mexican Water Treaty of 1906 was signed, guaranteeing the delivery of 60,000 acre-feet of water annually at the International Dam at Ciudad Juarez, except during periods of extreme drought. To ensure the United State's ability to meet this

obligation, Elephant Butte Reservoir in New Mexico was constructed (Colorado Water Conservation Board 2002).

2.2 The Rio Grande Compact

The following information comes from a series titled “Colorado Water 2012” published in 2012 in the Valley Courier. Craig Cotton wrote the information provided below.

As mentioned above, much of the Rio Grande River was being diverted in the late 1800s and early 1900s for irrigation, primarily in the upper part of the Rio Grande Basin. This caused a lot of concern for New Mexico and Texas, and eventually led to the signing of the Rio Grande Compact in 1939. The Compact is an agreement “that provides for the equitable apportionment of the waters of the Rio Grande between Colorado, New Mexico and Texas.” The compact itself provides the framework for a fair allocation and use of water in the Rio Grande and its tributaries from year to year (Cotton 2012). The Compact allows each state to develop its water resources at will, subject only to its obligations as set forth in the Compact. In essence, the compact limits all three states’ use of water from the Rio Grande to approximately what they were using in the 1920s.

In order to determine the required delivery obligations, a study of the Rio Grande was conducted during 1927 through 1936. During this time, engineers studied the amount of water used by each state and from this information, developed a schedule of required delivery for Colorado and New Mexico dependent on the total yearly flow in the river. The engineers also developed a limit on the yearly amount of water that Texas could use from the upper Rio Grande.

The Compact requires Colorado to annually deliver a certain amount of water to the state line according to its delivery schedule. Colorado has a separate delivery schedule for the Rio Grande and for the Conejos River. Snowpack, rainfall, and the delivery schedules control the annual amount of water available to Colorado diverters. In any given year, from 20 to 60 percent of the water generated in the Rio Grande and Conejos River basins must flow to the downstream states. In a low water year, Colorado can use a higher percentage of the water, but in a high water year, Colorado must send a larger percentage to the downstream states.

It is important to note that Colorado does not have to strictly adhere to the Compact’s delivery schedule each year. The Compact allows for a system of credits and debits. This credit and debit accounting provision of the compact provides Colorado with some flexibility in managing water use from year to year.

Since 1939, the overall administration of the Compact in Colorado has been an evolutionary process marked by three distinct periods. The first period, from 1939-1967, was a time when water rights were administered as they had been during the study period of 1927 to 1936. This administration worked well until 1952, when Colorado began to under-deliver on its obligations. By the mid 1960s, Colorado’s debt to the downstream states exceeded 900,000 acre-feet. In 1966, New Mexico and Texas sued Colorado in the U.S. Supreme

Court to force Colorado to comply with the provisions of the Compact and to pay back the debt. In May of 1968, the Court granted a continuance of the case as long as Colorado met its Compact delivery obligation each and every year.

During the second period, from 1968-1985, Colorado administered the Compact pursuant to that stipulation and was forced to begin curtailing water rights, i.e. shutting off ditches, specifically to meet the Compact obligations. From approximately 1968 to the present, the Colorado State Engineer has directed that the Compact be administered as a two-river system (Rio Grande and Conejos) with each river responsible for its own delivery obligation. The State Engineer also directed that any curtailment of diversions would come from the junior water rights, which would have otherwise been in priority on any given day of administration. Colorado met or exceeded its obligation each year from 1968 through 1984 because of the directive of the U.S. Supreme Court.

The third and current period began in June of 1985, when Elephant Butte Reservoir in Southern New Mexico spilled and eliminated Colorado's remaining debt. The lawsuit against Colorado was dismissed, and since that time Colorado has operated in accordance with the Compact and has met or exceed its obligation.

2.2 The Closed Basin Project

In order to help the State of Colorado meet its Rio Grande Compact obligations, the Rio Grande Water Conservation District (RGWCD) with the help of the Bureau of Reclamation, developed the Closed Basin Project. The Reclamation Project Authorization of 1972 was passed on October 20th, 1972 and gave authorization to the U.S. Bureau of Reclamation to construct, operate, and maintain the Closed Basin Division in a series of five stages. The Closed Basin Division is located in Alamosa and Saguache Counties.

The large section of the SLV, north of the Rio Grande between Del Norte and Blanca does not have a surface outlet in to the Rio Grande and is what coined the term "The Closed Basin Area." At the southern end of the Closed Basin area is a hydraulic divide that separates the internal drainage area of 2,940 square miles from the Rio Grande mainstream. Although the Closed Basin area waters are still tributary waters, as dictated by the laws set by the State of Colorado and the United States, they have been "duly appropriated for the project by the Rio Grande Water Conservation District (RGWCD)."

The purpose and first priority of the Closed Basin Project is to deliver water to the Rio Grande to assist the State of Colorado in meeting its delivery requirements under the Rio Grande Compact of 1939 and the Rio Grande Convention of 1906. The second priority of the project is to maintain the Alamosa National Wildlife Refuge (NWR), provided, that the amount of project salvaged water delivered to the NWR and the Blanca Wildlife Habitat Area (WHA) shall not exceed 5,300 acre-feet annually. The third priority is to apply to the reduction and the elimination of any accumulated deficit in deliveries by Colorado and is no longer applicable since the spill of Elephant Butte in 1985. The fourth and final priority is for irrigation and other beneficial uses in Colorado. The project can also deliver mitigation water to the San Luis Lake complex and its recreational facilities.

The Closed Basin Project obtains its water from the salvaged unconfined aquifer ground water within the Closed Basin and is delivered to the Rio Grande by a 42-mile conveyance channel known as the Franklin Eddy Canal. The RGWCD owned the rights of up to 117,000 acre-feet of water per year from the water that is salvaged from the Closed Basin Project. Due to inadequate water supply, the RGWCD voluntarily reduced the right to 83,000 acre-feet per year. Approximately 43,000 acre-feet have been decreed absolute and the remaining 40,000 acre-feet are still a conditional right. As of 2000, the total project delivery (amount of water delivered to the River and refuges (BLM and USFWS) has averaged approximately 17,300 acre-feet per year.

3.0 Natural Resources

3.1 General Description of Rio Grande Natural Area Resources

The RGNA is unique in that it provides a variety of resources, including water, fertile soil and plants, and significant habitat in a natural environment setting that for the most part remains unimpaired, offering solitude, quiet use, and enjoyment for visitors. Special to the RGNA is the Rio Grande River, which originates in the San Juan Mountains and travels for 1,885 miles before emptying into the Gulf of Mexico. The Rio Grande is the 5th longest river in North America (and among the 20 longest in the world).

From the Alamosa National Wildlife Refuge south to Lasauces (The Willows) and the confluence with the Conejos River, the Rio Grande has a meandering streambed with oxbows, side channels, and riparian vegetation that consists of dense willow thickets, clumps and groves of cottonwood, and large irrigated meadows. Riparian corridors are one of Colorado's most significant and limited habitat types. Many wildlife species depend on riparian corridors for mitigation and for their primary needs. The majority of this section consists of privately owned cattle ranches, with some scattered BLM-managed parcels.

South of Lasauces, the Rio Grande is less meandering, and the terrain in the RGNA narrows between the San Luis Hills on the east side of the Rio Grande and Flat Top Mountain to the west. In this section of the Rio Grande, there is relatively unimpeded access to the river channel, which has allowed unmanaged grazing due to abandoned horses and trespass cattle, to severely impact the riparian habitat.

South to the State Highway 142 Bridge, the terrain on either side of the Rio Grande opens slightly and there is opportunity for recreational access from the BLM parcel to the west. The remnants of a failed dam attempt include pylons on both sides of the Rio Grande and large rocks forming the base of the dam. A large cement diversion structure on the east side of the Rio Grande, which is located on a parcel owned by Costilla County, is located about halfway between State Highway 142 and the Lobatos Bridge.

Beginning about a mile below the State Highway 142 Bridge, the "Upper Box" starts and then extends for approximately 1.3 miles. Within the Upper Box, vertical rock walls of up

to 100 feet in height create a canyon and very narrow river zone. Other places within the section between the Highway 142 and the Lobatos Bridge include sparsely vegetated hills on either side that rise in height from 500 to 900 feet above the river. Similar to the area south of Lasauces, this area has also been impacted by unmanaged grazing of abandoned horses and illegal livestock.

Below the Lobatos Bridge, the Rio Grande deepens into a more dramatic channel into the section known as the “Lower Box.” From the riverbed, the canyon walls, which reach over 200 feet in height at the Colorado/New Mexico state border, create an enclosed setting that helps convey an intense feeling of isolation and remoteness. While the cliffs confine the riparian zone in this area, there is ample raptor habitat in the rock walls.

3.2 Existing Vegetation Community

As described above, the RGNA is primarily considered riparian habitat, thus the existing vegetation community generally consists of woody trees and shrubs, wetlands and grasslands. According to the San Luis Valley Habitat Conservation Plan Environment Assessment, the woody canopy “includes stands of coyote willow (*Salix exigua*), peachleaf willow (*Salix amygdaloides*), crack willow (*Salix fragilis*), and broad-leafed (*Populus sargentii*) and narrow-leaf cottonwood (*Populus angustifolia*)” (USFW 2012). Depending on the area, vegetation is either mixed stands of trees and shrubs, while others consist of monotypic stands of either willow or cottonwood, but not both. Outside of woody trees and shrubs, other general riparian areas include wetlands and open water associated with irrigation and old oxbows, as well as wet meadows and grasslands (USFW 2012). These herbaceous wetlands are typically dominated by sedges and rushes (e.g., *Carex utriculata*, *C. simulata*, *C. lanuginosa*, *Eleocharis palustris*, *Scirpus acutus*, and *Juncus balticus*), wetland grasses (e.g., *Calamagrostis canadensis*, *Agrostis gigantea*, *Poa pratensis*, *Glyceria grandis*, and *Beckmannia syzigachne*), and common wetland forbs (e.g., *Typha latifolia*, *Sagittaria cuneata*, *Argentina anserina*, and *Mentha arvensis*).

During the 2000 Biological Inventory of Rio Grande and Conejos Counties, completed by Colorado State University Colorado Natural Heritage Program, a Potential Conservation Area was identified near Lasauces in Conejos County. Potential Conservation Areas (PCA) are wetlands and riparian areas that contain rare or imperiled plant and animal species, and significant plant communities. The Lasauces site is located approximately 1 mile south of the town of Lasauces, on the west side of the Rio Grande. This PCA was identified because it “supports a good example of the globally imperiled slender spiderflower (*Cleome multicaulis*),” giving it a very high significance biodiversity rank. The site also supports a fair example of a submergent giant bur-reed (*Sparganium eurycarpum*) wetland community, which is also imperiled. The site occurs along the western side of the Rio Grande within a broad floodplain where numerous large oxbow lakes occur (Colorado Natural Heritage Program 2000).

Although a detailed report outlining the overall riparian conditions does not currently exist for the RGNA, the Rio Grande Restoration Foundation was awarded a Colorado Water Conservation Board Healthy Rivers Fund Grant in 2013 to document and assess the lower

33-mile stretch of the Rio Grande. Data was collected during 2014 and will be used in the Lower Rio Grande Study – Phase 2, which was recently funded. Phase 2 will include analyzing the data to identify areas of concern, and develop and prioritize restoration projects, such as bank stabilization riparian habitat restoration, sediment transport mitigation, and in-stream structures. This document will be a good reference for landowners wanting to be proactive.

While the condition of the riparian corridor throughout the RGNA varies, one of the major natural resource challenges within the RGNA is the number of abandoned and feral horses, and illegal trespass cattle grazing. Colorado Parks and Wildlife has estimated that there has been up to 200 abandoned horses within the Rio Grande Corridor. According to the BLM, none of these horses are federally protected under the Wild and Free-Roaming Horses and Burros Act and therefore are considered feral and should be removed. The unmanaged grazing competes with managed grazing and wildlife for natural resources while stressing the overall environment, the health of the riparian vegetation and threatening motorist safety on RGNA roads.

In order to protect riparian areas within the corridor, the BLM has built four enclosures and has plans to build another four in 2015. The first three enclosures are located just south of the Highway 142 bridge and were installed in the late 1980s/ early 1990s. The enclosures vary in size from ½ acre up to 3 acres. The pictures below showcase the overall effectiveness of the enclosures in bringing back native vegetation within the riparian zone. It is clear that by excluding cattle and horses, native plants including willows and cottonwood trees, are allowed to recover and grow.



Figure 1. Enclosure 1 (2006)



Figure 2. Enclosure 1 (2014)



Figure 3. Enclosure 3 (1993)



Figure 4. Enclosure 3 (2014)

3.2.1 Noxious Weeds

During 2004, line transects were completed within enclosures 1 and 2, and the following noxious weeds were identified:

- Canada Thistle (*Cirsium arvense*)
Canada thistle is considered to be “an aggressive, creeping perennial weed” that reproduces from vegetative buds in its root system and from seed. It is difficult to control due to its extensive root system (CSU Extension 2015).
- Hoary Cress (*Cardaria draba*)
Hoary cress is a perennial forb that is highly competitive once established. Similar to Canada thistle, Hoary cress has extremely persistent roots, making it difficult to control (Colorado Weed Management Association 2015).
- Tall Whitetop (*Lepidium latifolium*) or commonly called ironweed
Tall whitetop is a herbaceous perennial that is highly invasive. Tall whitetop has deep-seated roots that make it difficult to control.
- Kochia (*Kochia scoparia*)
Kochia is a summer annual plant that produces an abundance of seed. When mature, kochia breaks off from its stock and becomes a tumbleweed, releasing all of its seed. Kochia can be poisonous to cattle and sheep. Due to the large number of seed per plant, kochia is very difficult to control (CSU Extension 2015).

More recently, salt cedar (*Tamarix sp.*), Russian olive (*Elaeagnus angustifolia*), and Spotted knapweed (*Centaurea stoebe*) have been identified within the RGNA.

3.3 Wildlife Habitat

Just as the Rio Grande has provided an important source of natural resources for human use, wildlife populations have come to depend on the river for survival as well. Within the Natural Area, the most productive habitat for wildlife is the riparian zone, which are those lands influenced by permanent water that lie between a water source and upland habitat.

Additionally, the river corridor itself is used by many different types of wildlife as a travel corridor.

Field visits by the Natural Area Commission found the riparian zones within the Natural Area in varying condition. For instance, the Commission found that trespass grazing and other use-related factors limit the creation and maintenance of productive riparian areas. Other areas of stream and shore zones simply do not develop into riparian areas due to the fact that the shorelines are primarily rock. This is especially true for the last eight miles of the Natural Area.

3.3.1 Fisheries

Due to the overall characteristics of the Rio Grande River as it flows through the RGNA, fish populations found in the RGNA are typical of warm, slow moving water. Primary species include carp and northern pike, with the occasional green sunfish and rainbow and brown trout. All of these species, except for the green sunfish, are game species that were introduced in the 1930s. Colorado Parks and Wildlife does not stock this portion of the river due to the inconsistent flow that occurs during different parts of the year.

In terms of fisheries, it is important to recognize that the RGNA Act does not conflict with the Rio Grande Compact. Furthermore, it does not authorize the imposition of any mandatory streamflow requirements, nor does the Act create a Federal Reserved Water Right (Section 8 (1-6)).

3.3.2 Birds

The RGNA is home to many different species of waterfowl and other birds. The SLV has been described as the southernmost major water bird population area in the Central Flyway and is also the most important water bird production area in the state of Colorado. A significant portion of these bird populations migrate through the Rio Grande corridor.

Nesting waterfowl in the Natural Area include Canada goose (*Branta Canadensis*), mallard (*Anas platyrhynchos*), gadwall (*Anas strepera*), and cinnamon teal (*Anas cyanoptera*). There are also significant concentrations of nesting raptors, including bald eagles (*Haliaeetus leucocephalus*) and golden eagles (*Aquila chrysaetos*), prairie falcons (*Falco mexicanus*), owls and hawks.

The RGNA is also home to the southwestern willow flycatcher (*Empidonax traillii extimus*), which was listed as an Endangered Species in 1995. The southwestern willow flycatcher is found along riparian habitats of the desert southwest where dense groves of willows, arrowweed, buttonbrush, box elder, and alder are present, often with a scattered overstory of cottonwood. The U.S. Fish and Wildlife Service designated critical habitat for the southwestern willow flycatcher in 2005, and although the SLV was not included within the original designation due to the significant progress towards a community-based Habitat Conservation Plan (HCP), U.S Fish and Wildlife changed their decision and went ahead and designated critical habitat within the SLV in early 2013. Critical habitat starts north of the

Highway 142 bridge and continues for xxxx miles. While there are significant stands of willows in the Natural Area, the BLM has only identified breeding pairs near the confluence of the Rio Grande and Conejos rivers and the McIntire-Simpson parcel, which lies west of the Natural Area (Rio Grande Water Conservation District 2012).

3.3.3 Mammals

Throughout and adjacent to the RGNA, there are many different types of mammals that can be found including elk, mule deer, pronghorn and mountain lions. Smaller mammals include coyotes, bobcats, ringtail cats, and river otters. According to Colorado Parks and Wildlife, the RGNA is not only important winter habitat for elk and deer, but is also a primary travel corridor for many of the species. The RGNA is located in Game Management Unit 83 on the east side of the river and Unit 81 on the west side of the river. Elk hunting in this area is typically unlimited with tags being available for purchase over the counter. Due to the lower number of deer and pronghorn, these hunts are limited through a lottery system.

One of the primary concerns of wildlife managers for this area is the growing number of feral horses found in the area and the overall lack of habitat for large mammals such as elk, deer, and pronghorn. Specifically, the Brownie Hills area has historically been heavily utilized by elk and deer as winter habitat, but with the increasing number of feral horses, the area no longer has viable habitat.

3.4 Recreation Use

Recreational visitors to the RGNA come to the area likely without ever knowing they are enjoying a place designated by Congress as an area of significance. This lack of awareness about the designation, however, does not get in the way of the hiking, boating, fishing, hunting, wildlife viewing, and many other recreational activities that take place within the Natural Area. Boaters enjoy a combination of Class I and II rapids within the RGNA, depending on the time of year or seasonal stream flows. Class I rapids are considered fast moving with riffles and small waves, few obstructions, thus offering low risk to swimmers. Class II rapids are considered straightforward rapids with wide, clear channels that are evident without scouting. Occasional maneuvering may be required, but trained paddlers easily miss rocks and medium-sized waves. Swimmers are seldom injured and group assistance, while helpful, is seldom needed. A variety of bait, lure, and fly fishers can be found throughout the RGNA. Overall, hunting within the Natural Area occurs on a limited basis. Waterfowl are hunted along the river to a limited extent and there is deer, antelope, and small game hunting potential, as the RGNA is not closed for firearm use or hunting.

In addition to typical recreation, the RGNA is also used as a living laboratory for many schools throughout the San Luis Valley. Elementary students visit the RGNA to understand the scientific method in practice, and high school and college students conduct experiments and train to become professional scientists in their own right. The RGNA represents an incubator of not only scientific understanding of the natural processes that have shaped the San Luis Valley for millions of years, but also a place where students can develop the skills,

talent and desire to increase knowledge of the environment we depend upon and all its aspects in the future.

Given the 33-mile length of the RGNA, most recreational activities within the Natural Area take place on public land, and motorized access to the river is available in a handful of locations north of State Highway 142 on BLM-managed land, such as the at the confluence of the Rio Grande and Conejos rivers, and along the river between State Highway 142 and the Lobatos Bridge. Due to the steep walls of the lower box canyon, there is no motorized access to the river past the Lobatos Bridge. The open motorized roads on the BLM-managed land provide access of other dispersed recreation activities, such as hiking, biking, picnicking, and wildlife viewing. The Act calls for reducing the number of roads and /or removal of roads as well as reducing and/or prohibiting the use of motorized vehicles in the Natural Area.

The other important area for recreation that is not managed by BLM is the Rio Grande Greenbelt Park that is owned and managed by Costilla County. Costilla County has 862 acres of deeded land along the Rio Grande corridor that begins just south of Highway 142. This greenbelt has two distinct areas that provide a variety of recreational uses. The northern half is primarily canyons and cliff walls that create scenic views. The southern half has gentle slopes of grass and shrubs that extend to the riverbank. There is an existing jeep trail that parallels the riverbank within the southern portion. Rock art can also be found within the Greenbelt. Most of the perimeter has been fenced at one time and there are cattle guards at both the northern and southern ends. At this time, there is no signage or amenities. While developing the Costilla County: Trails, Recreation, and Open Space Plan in 2012, the County determined that there is interest from the public in developing this area more formally as a county park. Development would include signage, designated parking areas and picnic tables. Further development would include designated camping and fishing areas, a boat put-in and restrooms (Costilla County 2012). The Rio Grande Greenbelt was also identified as a potential project in the San Luis Valley: Trails and Recreation Plan that was just finished in 2014 (San Luis Valley Great Outdoors 2014). Furthermore, in addition to the 862 acres the county currently owns, the county would like to explore the potential of acquiring additional subdivision parcels that are adjacent to the current greenbelt to add acres of publicly accessible space in the area (Costilla County 2012).

In terms of private land, the only available public access on the private lands within the Natural Area occurs in the subdivided portions of Costilla County between State Highway 142 and the Lobatos Bridge. The subdivided parcels in this area bordering the river contain a right-of-way for pedestrian access along their western boundary, though the easement does not appear well-known or well-used. In other areas, trespassing on private lands does occur, and is a concern for the landowners.

3.5 Scenic Resources

The scenic resources of the RGNA are considered as broad and expansive as the SLV in which it lies. BLM protects and manages visual resources using Visual Resources

Management (VRM). VRM is defined as “a system for minimizing the visual impacts of surface-disturbing activities and maintaining scenic values for the future” (BLM 2015). The VRM includes both an inventory stage as well as an analysis stage. The inventory stage includes identifying the visual resources of a specific area and then assigning them to one of the 4 inventory classes. The analysis portion is used to determine if new proposed activities in an area will affect or change the existing VRM class.

With the exception of the box canyons, much of the Sange de Cristo Mountain Range and the San Juan Mountains are visible from the RGNA. Depending on the segment of the river, visitors can experience remarkable vistas of the Brownie Hills, Flat Top Mountain, the San Luis Hills Wilderness Study Area, the farming and ranching community of Lasasues, and the Upper and Lower Box Canyons.

The northern half of the Natural Area has more development, including the town of Lasasues and physical structures outside of the town related to farming and ranching operations. South of Lasasues, the land within the RGNA remains mostly undeveloped, with a few exceptions for buildings along the east side of the Rio Grande below the State Highway 142 Bridge. Additionally, several subdivision roads, county roads, and BLM designated routes can be seen within the Natural Area.

From selected areas in the southern half, it is possible to see San Antonio Mountain, which is located in northern New Mexico. San Antonio Mountain is a volcanic dome and is considered a major landmark along US Highway 285. Although it looks like a perfectly symmetrical dome, it actually has two peaks: Antone Peak (10,890 feet) and San Antone Peak (10,908 feet) (Summit Post 2015).

Although located outside the boundary of the RGNA, it is important to note that just south of the boundary at the New Mexico border, the Rio Grande del Norte National Monument begins. The Rio Grande del Norte National Monument was established on March 25th, 2013 by Presidential Proclamation and includes approximately 242,500 acres of BLM-managed land. The monument includes not only the Rio Grande river corridor, but also lands that are important for wintering animals (BLM 2015). Ute Mountain, which is visible from the RGNA, is the highest point of the National Monument (10,093 feet). Ute Mountain is a very rugged volcanic cone mountain that at this time does not have any trails that lead to the summit (Summit Post 2015).

3.6 Cultural

3.6.1 General Description

The Rio Grande River is an important paleontological, cultural and historical resource corridor because it is one of the largest river systems in the American Southwest. The story of human use in this area spans thousands of years and provides an excellent opportunity for public outreach, interpretation and research. The BLM has recorded cultural resource phenomena within the RGNA including prehistoric, historic and isolated finds. However, only a very small percentage of the total cultural resources in the planning

area are recorded, because most have not been inventoried. Pre-historic site types include locales of stone tool manufacture, open-air and sheltered camps, and rock art panels. Historic sites include building foundations as well as historic themes such as aboriginal riverine use and occupation, water development, transportation/travel corridors and early turquoise, uranium, and gold mining.

3.6.2 History/ Background

The SLV, which is home to the oldest town in Colorado (San Luis), has a long history that has shaped what the valley is today. The first known inhabitants of the area were Native-American Paleo-Indian cultures (11,000 years ago). These inhabitants survived by hunting and gathering the vast number of native plants that were found in the area, as did the Utes and other Indian Tribes that later used the area. In more modern time, the Spanish started exploring the area in the late 1500's, due to the numerous land grants that were established by Mexico. For the most part, the valley remained unsettled due to Indian opposition to settlement, until about 1850, when it became the territory of the United States. San Luis de la Culebra, established in 1851, was the first permanent settlement in the SLV. Between 1850 and 1880, a series of treaties removed the Ute Indians of the valley to the Ute Mountain, Southern Ute, and Hintah reservations located in western Colorado and Utah. Early settlements were established near the Conejos River, which through the use of irrigation ditches, allowed farming to prosper. By the 1880s, population in the SLV had risen drastically, with extensive farming activities creating prosperous communities. Currently, the SLV is heavily used for cattle and sheep grazing, as well as agriculture (USDA 2015).

3.6.3 Sites of Importance

In order to protect the historical and cultural resources within the RGNA, only those that are well known and have been published will be described.

The RGNA only has one structure that is listed on the National Register of Historic Places. The Lobatos Bridge, built in 1891, crosses the Rio Grande at Conejos County Road G. This bridge is still heavily used and is considered an important access point for residents and recreational users. The Lobatos bridge was the original crossing of the Rio Grande River in this area.



Figure 5. Lobatos Bridge

Other documented sites within the RGNA that warrant interpretation and protection include:

- Town site (El Vado), near the Lobatos Bridge
According to the Sangre de Cristo National Heritage Area, the Mondragon family lived near the Lobatos Bridge. Here they mined gold and made jewelry (2015).
- Valdez Ferry (5CN23) (1861)
The Valdez Ferry dates back to 1861, when the first Territorial Election took place in Colorado. Given the large settlements in La Isla (where the San Antonio River and the Conejos River meet) and in San Luis, the Territorial Legislature granted Joseph Jacquez and Joseph Garcia a permit to operate a small ferry that would cross the Rio Grande. The Ferry crossing is located south of the Highway 142 Bridge. The Ferry was owned and operated by Seledon, and prices for using the ferry were set by the permit (Naranjo 2002).
- Dam Site (1940s/1950s)
- Rock Art site (5CT263), attributed to Rio Grande Hopi cultures



Figure 6. Rock Art

- Rio Grande Cave paleoindian site
- Stewart's Ferry (1863)
- Stage Coach Route that crossed at the Valdez Ferry
- Military Crossing
- De Vargas Crossing (1694)

In 1694, Don Diego de Vargas, who was the Governor-General of New Mexico, raided the village of Taos in order to feed the hungry Spanish Settlers in Santa Fe. Fearing retaliation, de Vargas escaped north into the SLV, crossing the Rio Grande. The de Vargas Crossing is located just south of the Highway 142 bridge (San Luis Valley Heritage 2015).



Figure 7. Vargas Crossing

Additionally, although located out of the RGNA, Hansen Bluff is also an important site. Hansen Bluff is located north of the RGNA in the Alamosa National Wildlife Refuge and is significant due to the large number of special vertebrate and invertebrate fossils, as well as Native American artifacts.

3.7 Climate

The climate in the San Luis Valley varies dramatically depending upon location, but is typically described as having moderate summers and cold winters, light precipitation and lots of sunshine. For the area within the RGNA, which has elevations 7,500 feet, precipitation usually occurs between April and October in the form of light showers with occasional thunderstorms. Winter precipitation is usually light snowfall, with an average of less than 40 inches per year. Total precipitation ranges between 7-8 inches per year, making it a very dry climate. The growing season is relatively short at 90 days and July and August are usually the only frost-free months. Average summer temperature is 65 degrees and average winter temperature is 14 degrees (Alamosa 2015).

3.8 Summary: Desired Future Condition

Based on the Desired Future Conditions outlined in the Rio Grande Corridor Final Plan (2000) and input from the RGNA Commission, the following desired future conditions have been identified:

- Protection and enhancement of natural resources
 - Maintain proper functioning riparian areas
 - Maintain/ increase amount of riparian acreage
 - Reduce feral horse and trespass cattle populations in order to decrease and minimize negative effects to riparian areas
- Protection and enhancement of scenic resources
 - Maintain/ enhance high scenic quality
- Maintain or improve high-quality recreational opportunities
 - Look for opportunities to improve access for public use
 - Restrict recreational use where appropriate to maintain un-crowded conditions.
- Protection and enhancement of historic and archaeological resources
 - Identify, document, stabilize, and interpret historic and archaeological sites to provide appropriate level of protection
- Continue presence of agency staff on the ground to enhance public safety and customer service.

4.0 Social and Economic Considerations

4.1 Social

Although the RGNA is only located in Alamosa, Conejos and Costilla Counties, in terms of social considerations, it is important to look at the entire San Luis Valley, which also

includes Mineral, Rio Grande, and Saguache Counties. The population within the SLV has changed very little since 2000, with growth being basically flat. The SLV is approximately 47% Hispanic and 50% White non-Hispanic. Poverty is an issue of concern within the SLV. Most of the counties within the SLV have the highest ranking of percent poverty in the state, with an average of 16.6% compared to the state average of 12.5% (Colorado Dept. of Local Affairs 2012). Table 1 provides some additional social statistics for the San Luis Valley and compares the statistics to overall Colorado.

Table 1: San Luis Valley Statistics Compared to Colorado*

Item	SLV	Colorado
Population (2010 census)	46,027	5,026,000
Population Change (2000-2010) % change	-0.4	16.9
Median Age	42.6	36.1
Hispanic %	46.9	20.7
Median Value owner occupied housing (\$s)	120,200	234,100
Estimate housing vacancy rate	26.5	10.62
Female-headed household w/ children (%)	6.8	6.0
Median household income (\$s)	34,710	56,456
Median income <\$50,000 (%)	66.6	33.8
Source household income – cash public assistance (%)	5.3	1.9
Households with food stamp/SNAP assistance (%)	16.4	5.7
Labor force	25,076	2,680,000
Unemployment rate (%)	8.4	8.9
Unemployed, underemployed & discouraged workers (%)	21	21
Annual average weekly wage – All industry (\$)	563	901

*Source: San Luis Valley Statistical Profile of January 2012 provided by the San Luis Valley Development Resources Group.

4.2 Economic

The San Luis Valley had approximately 22,316 jobs in 2012, with government being the largest employer at 22.1% and agriculture closing following at 18.1% (Colorado Dept. of Local Affairs 2012). As highlighted previously, agriculture has been a huge part of the valley since it was settled and it continues to be a huge economic driver in the SLV. Approximately 5,000 jobs in the SLV are tied directly to agriculture (Colorado Dept. of Local Affairs 2012). Additionally, according to Thorvaldson and Pritchett, “annual value of sales and services of the Rio Grande River Basin is \$1.8 billion, with agriculture industries compromising \$530 million (nearly 30%) of this value (2005). Given the importance of agriculture, and subsequently irrigation, one would assume that support for the RGNA would be conflicted, but in actuality, there was and continues to be huge support for the RGNA and the purposes for which it was designated. As stated in one of the many support letters, “the RGNA is another example of the SLV’s ability to address issues creatively and positively, without affecting historical uses of our natural resources.”

Additionally, although tourism is currently only tied to approximately 1,844 jobs (8.2%)(Colorado Dept. of Local Affairs 2012), there is hope that it can become more of an economic driver in the future. The San Luis Valley Great Outdoors (SLVGO) Coalition recently completed a SLV: Trails and Recreation Plan (2014), emphasizing increasing recreation opportunities throughout the SLV. As discussed in the recreation section above, this includes the Rio Grande Greenbelt that is owned by Costilla County and located within the RGNA.

5.0 Discussion, Recommendations, and Policies for Resource Management

5.1 Discussion

As highlighted in Section 1, this Management Plan is written to not only meet the requirements of the Act, but also to ensure that management within the RGNA is done in a manner that will “conserve, restore and protect the natural, historic, cultural, scientific, scenic, wildlife and recreational resources of the Natural Area.” Below are recommendations that are critical to achieving the goals of the Natural Area.

5.2 Recommendations

5.2.1 Natural Resource Recommendations

- Complete a river study focusing on geomorphology including sediment influx and the overall condition of riparian habitat.
- Encourage river restoration and habitat enhancement projects including fencing where appropriate and needed for grazing management.
- Encourage water management education including information about the irrigation system and water needs upstream of the RGNA.
- Construct permanent and/or temporary enclosures in appropriate areas to improve the condition of riparian habitat.
- Protection of Lasauces Potential Conservation Area.
- Seek out grants to aid and enable natural resource conservation projects within the RGNA.
- Provide grazing management education for landowners. Remove abandoned/ feral horses and trespass livestock from the RGNA.
- Encourage landowners to enter into voluntary land conservation easements.
- Encourage landowner coordination with weed districts, soil conservation districts and BLM for active weed management.
- Encourage Costilla County to consider re-platting and lot consolidation to enhance resource management and protection.
- Encourage Costilla County to change the land use code, especially setback requirements.
- Support experiential learning opportunities for students through “Youth Days.”
- Support employment opportunities.

- Recommend a VLM Visual Resource Management Class II rating in order to retain the existing character of the landscape and to offer landowners management tools.
- Support existing trail enhancements on public lands, particularly for boating access.
- Support enhanced recreational experiences through interpretive signs, primarily for education, not advertisement.
- Support road improvements where appropriate to protect the natural resources and provide safe, reliable access for recreation in designated locations.
- Recommend landowners erect signs indicating “No Trespassing” on the east side to locate private land boundary.
- Obtain easements with willing landowners on the east side to allow for public access to the river.
- Support historic route preservation on the west side of the river, including the road to the New Mexico border, in order to discourage trespassing on private roads.
- Encourage Costilla County to preserve and develop its recreational facilities.
- Encourage Costilla County to do a road analysis relative to qualities of the RGNA, and consider lot consolidation aimed at removed roads and possible road closures.
- Support existing Rio Grande boating access in Costilla County, and encourage the establishment of new locations with willing landowners.
- Support Costilla County’s development of primitive campsites on Costilla County public lands and parking area development where appropriate.

5.2.3 Historical and Cultural Recommendations

- Support enhanced historical experiences through additional interpretive signs that explain the historical value.
- Support public outreach and communication to ensure historic preservation and education.
- Encourage tribal input on the Rio Grande’s history and RGNA natural resource uses.
- Recommend that the de Vargas Crossing is interpreted, protected, and monitored.
- Recommend priority areas for additional cultural or heritage resources through partnerships with higher education institutes and field schools for surveys and studies.
- Recommend the Mortenson Dam Diversion Structure be managed to eliminate and prevent future graffiti and other damage to the structures.

5.3 Policies for Resource Management

6.0 Monitoring and Evaluation Plan

In order to know and understand changes that are occurring within the RGNA, it is important to consistently monitor and evaluate the area. Since BLM land is designated as the high water mark, most of the monitoring that will occur will be completed by the BLM. **BLM currently does annual monitoring within the RGNA for the following:**

In addition to BLM monitoring, it is recognized that other types of monitoring and evaluation will be taking place within the RGNA in a collaborative process with a variety of partners. For instance, the study currently being completed by the Rio Grande Restoration Foundation will provide in-depth data that will be used to identify areas of concern, and develop and prioritize restoration projects.

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Appendix A – The Rio Grande Natural Area Act

One Hundred Ninth Congress of the United States of America

AT THE SECOND SESSION

Begun and held at the City of Washington on Tuesday, the third day of January, two thousand and six

An Act

To establish the Rio Grande Natural Area in the State of Colorado, and for other purposes.
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Rio Grande Natural Area Act”.

SEC. 2. DEFINITIONS.

In this Act:

(1)

COMMISSION.—The term “Commission” means the Rio Grande Natural Area Commission established by section 4(a).

(2)

NATURAL AREA.—The term “Natural Area” means the Rio Grande Natural Area established by section 3(a).

(3)

SECRETARY.—The term “Secretary” means the Secretary of the Interior.

SEC. 3. ESTABLISHMENT OF RIO GRANDE NATURAL AREA.

(a)

IN GENERAL.—There is established the Rio Grande Natural Area in the State of Colorado to conserve, restore, and protect the natural, historic, cultural, scientific, scenic, wildlife, and recreational resources of the Natural Area.

(b)

BOUNDARIES.—The Natural Area shall include the Rio Grande River from the southern boundary of the Alamosa National Wildlife Refuge to the New Mexico State border, extending 1/4 mile on either side of the bank of the River.

(c)

MAP AND LEGAL DESCRIPTION.—

(1)

IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall prepare a map and legal description of the Natural Area.

(2)

EFFECT.—The map and legal description of the Natural Area shall have the same force and effect as if included in this Act, except that the Secretary may correct any minor errors in the map and legal description.

(3)

PUBLIC AVAILABILITY.—The map and legal description of the Natural Area shall be available for public inspection in the appropriate offices of the Bureau of Land Management.

SEC. 4. ESTABLISHMENT OF THE COMMISSION.

(a)
ESTABLISHMENT.—There is established the Rio Grande Natural Area Commission.

(b)
PURPOSE.—The Commission shall—

(1)
advise the Secretary with respect to the Natural Area; and

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(2)
prepare a management plan relating to non-Federal land in the Natural Area under section 6(b)(2)(A).

(c)
MEMBERSHIP.—The Commission shall be composed of 9 members appointed by the Secretary, of whom—

(1)
1 member shall represent the Colorado State Director of the Bureau of Land Management;

(2)
1 member shall be the manager of the Alamosa National Wildlife Refuge, ex officio;

(3)
3 members shall be appointed based on the recommendation of the Governor of Colorado, of whom—

(A)
1 member shall represent the Colorado Division of Wildlife;

(B)
1 member shall represent the Colorado Division of Water Resources; and

(C)
1 member shall represent the Rio Grande Water Conservation District; and

(4)
4 members shall—

(A) represent the general public;

(B)
be citizens of the local region in which the Natural Area is established; and

(C)
have knowledge and experience in the fields of interest relating to the preservation, restoration, and use of the Natural Area.

(d)
TERMS OF OFFICE.—

(1)
IN GENERAL.—Except for the manager of the Alamosa National Wildlife Refuge, the term of office of a member of the Commission shall be 5 years.

(2)
REAPPOINTMENT.—A member may be reappointed to the Commission on completion of the term of office of the member.

(e)
COMPENSATION.—A member of the Commission shall serve without compensation for service on the Commission.

(f)

CHAIRPERSON.—The Commission shall elect a chairperson of the Commission.

(g)

MEETINGS.—

(1)

IN GENERAL.—The Commission shall meet at least quarterly at the call of the chairperson.

(2)

PUBLIC MEETINGS.—A meeting of the Commission shall be open to the public.

(3)

NOTICE.—Notice of any meeting of the Commission shall be published in advance of the meeting.

(h)

TECHNICAL ASSISTANCE.—The Secretary and the heads of other Federal agencies shall, to the maximum extent practicable, provide any information and technical services requested by the Commission to assist in carrying out the duties of the Commission.

SEC. 5. POWERS OF THE COMMISSION.

(a)

HEARINGS.—The Commission may hold such hearings, meet and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this Act.

(b)

COOPERATIVE AGREEMENTS.—

(1)

IN GENERAL.—For purposes of carrying out the management plan on non-Federal land in the Natural Area, the Commission may enter into a cooperative agreement with the State of Colorado, a political subdivision of the State, or any person.

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(2)

REQUIREMENTS.—A cooperative agreement entered into under paragraph (1) shall establish procedures for providing notice to the Commission of any action proposed by the State of Colorado, a political subdivision of the State, or any person that may affect the implementation of the management plan on non-Federal land in the Natural Area.

(3)

EFFECT.—A cooperative agreement entered into under paragraph (1) shall not enlarge or diminish any right or duty of a Federal agency under Federal law.

(c)

PROHIBITION OF ACQUISITION OF REAL PROPERTY.—The Commission may not acquire any real property or interest in real property.

(d)

IMPLEMENTATION OF MANAGEMENT PLAN.—

(1)

IN GENERAL.—The Commission shall assist the Secretary in implementing the management plan by carrying out the activities described in paragraph (2) to preserve and interpret the natural, historic, cultural, scientific, scenic, wildlife, and recreational resources of the Natural Area.

(2)

AUTHORIZED ACTIVITIES.—In assisting with the implementation of the management plan under paragraph (1), the Commission may—

(A)

assist the State of Colorado in preserving State land and wildlife within the Natural Area;

(B)

assist the State of Colorado and political subdivisions of the State in increasing public awareness of, and appreciation for, the natural, historic, scientific, scenic, wildlife, and recreational resources in the Natural Area;

(C)

encourage political subdivisions of the State of Colorado to adopt and implement land use policies that are consistent with—

(i)

the management of the Natural Area; and

(ii)

the management plan; and

(D)

encourage and assist private landowners in the Natural Area in the implementation of the management plan.

SEC. 6. MANAGEMENT PLAN.

(a)

IN GENERAL.—Not later than 4 years after the date of enactment of this Act, the Secretary and the Commission, in coordination with appropriate agencies in the State of Colorado, political subdivisions of the State, and private landowners in the Natural Area, shall prepare management plans for the Natural Area as provided in subsection (b).

(b)

DUTIES OF SECRETARY AND COMMISSION.—

(1)

SECRETARY.—The Secretary shall prepare a management plan relating to the management of Federal land in the Natural Area.

(2)

COMMISSION.—

(A)

IN GENERAL.—The Commission shall prepare a management plan relating to the management of the non-Federal land in the Natural Area.

(B)

APPROVAL OR DISAPPROVAL.—

(i)

IN GENERAL.—The Commission shall submit to the Secretary the management plan prepared under subparagraph (A) for approval or disapproval.

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(ii)

ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves the management plan submitted under clause (i), the Secretary shall—

- (I) notify the Commission of the reasons for the disapproval; and
- (II) allow the Commission to submit to the Secretary revisions to the management plan submitted under clause (i).
- (3) COOPERATION.—The Secretary and the Commission shall cooperate to ensure that the management plans relating to the management of Federal land and non-Federal land are consistent.
- (c) REQUIREMENTS.—The management plans shall—
 - (1) take into consideration Federal, State, and local plans in existence on the date of enactment of this Act to present a unified preservation, restoration, and conservation plan for the Natural Area;
 - (2) with respect to Federal land in the Natural Area—
 - (A) be developed in accordance with section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712);
 - (B) be consistent, to the maximum extent practicable, with the management plans adopted by the Director of the Bureau of Land Management for land adjacent to the Natural Area; and
 - (C) be considered to be an amendment to the San Luis Resource Management Plan of the Bureau of Land Management; and
 - (3) include—
 - (A) an inventory of the resources contained in the Natural Area (including a list of property in the Natural Area that should be preserved, restored, managed, developed, maintained, or acquired to further the purposes of the Natural Area); and
 - (B) a recommendation of policies for resource management, including the use of intergovernmental cooperative agreements, that—
 - (i) protect the resources of the Natural Area; and
 - (ii) provide for solitude, quiet use, and pristine natural values of the Natural Area.
 - (d) PUBLICATION.—The Secretary shall publish notice of the management plans in the Federal Register.

SEC. 7. ADMINISTRATION OF NATURAL AREA.

- (a) IN GENERAL.—The Secretary shall administer the Federal land in the Natural Area—
 - (1) in accordance with—
 - (A)

the laws (including regulations) applicable to public land; and

(B) the management plan; and

(2)

in a manner that provides for—

(A)

the conservation, restoration, and protection of the natural, historic, scientific, scenic, wildlife, and recreational resources of the Natural Area;

(B)

the continued use of the Natural Area for purposes of education, scientific study, and limited public recreation

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in a manner that does not substantially impair the purposes for which the Natural Area is established;

(C)

the protection of the wildlife habitat of the Natural Area;

(D)

a prohibition on the construction of water storage facilities in the Natural Area; and

(E)

the reduction in the use of or removal of roads in the Natural Area and, to the maximum extent practicable, the reduction in or prohibition against the use of motorized vehicles in the Natural Area (including the removal of roads and a prohibition against motorized use on Federal land in the area on the western side of the Rio Grande River from Lobatos Bridge south to the New Mexico State line).

(b)

CHANGES IN STREAMFLOW.—The Secretary is encouraged to negotiate with the State of Colorado, the Rio Grande Water Conservation District, and affected water users in the State to determine if changes in the streamflow that are beneficial to the Natural Area may be accommodated.

(c)

PRIVATE LAND.—The management plan prepared under section 6(b)(2)(A) shall apply to private land in the Natural Area only to the extent that the private landowner agrees in writing to be bound by the management plan.

(d)

WITHDRAWAL.—Subject to valid existing rights, all Federal land in the Natural Area is withdrawn from—

(1)

all forms of entry, appropriation, or disposal under the public land laws;

(2)

location, entry, and patent under the mining laws; and

(3)

disposition under the mineral leasing laws (including geothermal leasing laws).

(e)

ACQUISITION OF LAND.—

(1)

IN GENERAL.—The Secretary may acquire from willing sellers by purchase, exchange, or donation land or an interest in land in the Natural Area.

(2)

ADMINISTRATION.—Any land or interest in land acquired under paragraph (1) shall be administered in accordance with the management plan and this Act.

(f)

APPLICABLE LAW.—Section 5(d)(1) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(d)(1)) shall not apply to the Natural Area.

SEC. 8. EFFECT.

Nothing in this Act—

(1)

amends, modifies, or is in conflict with the Rio Grande Compact, consented to by Congress in the Act of May 31, 1939 (53 Stat. 785, ch. 155);

(2)

authorizes the regulation of private land in the Natural Area;

(3)

authorizes the imposition of any mandatory streamflow requirements;

(4)

creates an express or implied Federal reserved water right;

(5)

imposes any Federal water quality standard within or upstream of the Natural Area that is more restrictive than would be applicable had the Natural Area not been established; or

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(6)

prevents the State of Colorado from acquiring an instream flow through the Natural Area under the terms, conditions, and limitations of State law to assist in protecting the natural environment to the extent and for the purposes authorized by State law.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

SEC. 10. TERMINATION OF COMMISSION.

The Commission shall terminate on the date that is 10 years after the date of enactment of this Act.

Speaker of the House of Representatives.

Vice President of the United States and President of the Senate.